



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/517,617	12/22/2004	Wataru Suenaga	040685	6757
23850	7590	10/04/2006	EXAMINER	
ARMSTRONG, KRATZ, QUINTOS, HANSON & BROOKS, LLP			HA, NGUYEN T	
1725 K STREET, NW			ART UNIT	
SUITE 1000			PAPER NUMBER	
WASHINGTON, DC 20006			2831	

DATE MAILED: 10/04/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/517,617

Applicant(s)

SUENAGA ET AL.

Examiner

Nguyen T. Ha

Art Unit

2831

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 December 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance, except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 11-15 is/are allowed.
- 6) ☒ Claim(s) 1-3 and 6-10 is/are rejected.
- 7) ☒ Claim(s) 4 and 5 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>1204</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Objections

1. Claims 6 and 7 are objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claim can refer to other claims in the alternative only. See MPEP § 608.01(n). Accordingly, the claims 6 & 7 not been further treated on the merits.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1, 6, 7 are rejected under 35 U.S.C. 102(b) as being anticipated by Ohi et al. (US 5,707,407).

Regarding claim 1, Ohi et al. disclose a molding for an electrolytic capacitor anode element having valve action metal layer (figure 3) which includes valve action metal powder (31) and binder resin (33), said molding comprising a region having resin (39) as its main component for protecting the valve action metal layer in at least one surface of the molding (column 5, lines 32-34).

Regarding claim 6, Ohi et al. disclose the molding is a molding for an electrolytic capacitor anode element (figure 3).

Regarding claim 7, Ohi et al. disclose the valve action metal powder is tantalum powder or niobium powder (column 1, lines 64-65).

4. Claims 1-3 and 6-8 are rejected under 35 U.S.C. 102(b) as being anticipated by Taniguchi et al. (US 5,349,496).

Regarding claim 1, Taniguchi et al. disclose a molding for an electrolytic capacitor anode element having valve action metal layer (figures 1-3) which includes valve action metal powder (12) and binder resin (16b), said molding comprising a region having resin (18) as its main component for protecting the valve action metal layer in at least one surface of the molding (column 3, lines 50-51).

Regarding claim 2, Taniguchi et al. disclose a molding with a substratum comprising a sheet-shaped substratum and a molding provided on the sheet-shaped substratum such that the molding can be separated, wherein:

- said molding has a protective layer (18) and a porous body forming layer;
- said protective layer has resin as a main component; and
- said porous body forming layer has valve action metal powder (12) and binder resin (16b).

Regarding claim 3, Taniguchi et al. disclose the protective layer is present on the sheet-shaped substratum, and the porous body-forming layer is present on the protective layer (figure 1).

Regarding claim 6, Taniguchi et al. disclose the molding is a molding for an electrolytic capacitor anode element (figure 1).

Regarding claim 7, Taniguchi et al. disclose the valve action metal powder is tantalum powder or niobium powder (column 3, lines 32-35).

Regarding claim 8, Taniguchi et al. disclose the resin included in the protective layer as a main component comprises at least one selected from among the group of polyvinyl resin, polyvinyl acetal resin, butyral resin, and acrylic resin (column 5, lines 28-30).

Regarding claims 9-10, Taniguchi et al. disclose all the claimed limitation discussed above with respect to claim 2. However the presence or process limitations in product claims, which product does not otherwise patentably distinguish over the prior art, cannot impart patentability to the product. The limitations of the molding with a substratum is wound into a reel or the molding with a substratum is slit is a process limitations. In re Stephens 145 USPQ 656 (CCPA 1965).

Allowable Subject Matter

5. Claims 4-5 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

With respect to claim 4, the prior art alone or in combination does not teach the limitation of the adhesive strength between the protective layer and the porous body forming layer is greater than the adhesive strength between the sheet shaped substratum and the protective layer.

With respect to claim 5, the prior art alone or in combination does not teach the limitation of the protective layer and the porous body forming layer were formed in a unitary manner by after forming a coated film on the sheet shaped substratum by coating a paint for the porous body forming layer that includes valve action metal

powder and binder resin, settling down said valve action metal powder in the coated film.

Allowable Subject Matter

6. Claims 11-15 are allowed.

The following is an examiner's statement of reasons for allowance:

With respect to claim 11, the prior art alone or in combination does not teach the limitation of a production method for a molding with a substratum comprising a step for forming a protective layer having a resin as a main component on a sheet-shaped substratum, and a step for forming a porous body forming layer having valve action metal powder and binder resin on the protective layer, wherein the adhesive strength between the protective layer and the porous body forming layer is made to be greater than the adhesive strength between the substratum and the protective layer.

With respect to claim 12, the prior art alone or in combination does not teach the limitation of a production method for a molding with a substratum comprising: a step for forming a coated film by coating a paint that includes valve action metal powder and binder resin on a sheet shaped substratum, and a protective layer having resin as a main component positioned on the surface of the porous body forming layer, by settling down the valve action metal powder in the coated film.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nguyen T. Ha whose telephone number is 571-272-1974. The examiner can normally be reached on Monday-Friday from 8:30AM to 6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dean Reichard can be reached on 571-272-2800 ext. 31. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

NGUYEN T. HA
PRIMARY EXAMINER

NH
September 30, 2006